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September 8, 2010

Mr. Christopher Hughey
Acting General Counsel
Federal Election Commission
999 E Street NW
Washington, DC 20463

Re: MUR 6327

Dear Mr. Hughey

This letter is in response to the complaint filed by Ed R. Martin Jr., a candidate for election to the United States House of Representatives from the Third District of Missouri. The complaint wrongly alleges violations of law by the Carnahan for Congress campaign committee in the 2004 congressional election. For the reasons given below, the Commission should expeditiously dismiss the complaint and consider referring Mr. Martin to the Missouri Bar Association for disciplinary action for filing a frivolous complaint with the Commission. Unless Mr. Martin has allowed his bar membership to lapse, Mr. Martin appears to have clearly abused process and violated the Rules of Professional Conduct that govern members of the Missouri Bar.

The complaint alleges that Congressman Carnahan violated section 439a of the Federal Election Campaign Act by leasing a campaign office in a building in which he was a part owner. Mr. Martin presumably knows or would have discovered with the exercise of minimal due diligence that the Commission has expressly approved of the use of campaign funds to lease office space at fair market value from a candidate or a member of a candidate's family. See 11 CFR 113.1 and Advisory Opinion 2002-02. Mr. Martin did not allege, nor could he truthfully allege, that the rent paid exceeded the fair market value of the property.

The only other violation that Mr. Martin alleges is a failure to include a single memo entry for one contribution in 2004. The alleged violations predated over five years ago. Mr. Martin presumably knows or would have discovered with the exercise of minimal due diligence that the statute of limitations for violations of the Federal Election Campaign Act is five years.

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from the date of the violation. *See* 2 USC § 455. The only conclusion that a reasonable person can draw from these facts is that Mr. Martin has failed to display even a modicum of legal skill or knowledge in instituting this proceeding.

The Commission's quick dismissal of this complaint seems to be a foregone conclusion. To protect the integrity of its enforcement process, the Commission should seriously consider referring Mr. Martin to the Missouri Bar Association or other appropriate body for disciplinary action. Rule 4-3.1 of Supreme Court Rules of Missouri provides, in part, that a "lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law or fact for doing so that is not frivolous...". This is intended to guard against the very kind of abuse of the legal process which Mr. Martin indulges by bringing this frivolous complaint. Mr. Martin holds himself out to be a competent attorney, aware of the law and regulations of the Federal Election Commission. He has acted as his own counsel in this matter. His failure to research, or his willingness to ignore the law, should not go unaddressed.

The Carnahan for Congress committee respectfully requests that the Commission dismiss this matter and take such further action that it believes is necessary to preserve the integrity of the Commission's enforcement process and to protect respondents from the financial and other costs incurred in responding to frivolous and abusive complaints.

Sincerely,



Karl J. Sandstrom

Counsel to Carnahan for Congress and Russ Carnahan

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